Supreme Court, U.S.
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MICHAEL RODAK, JR., CLERK

IN THE

Supreme Court of the United States

October Term, 1972

No. 71-6852

DONALD PAUL LUBIN, individually and on behalf of all others similarly situated,
Petitioner,

vs.

JAMES S. ALLISON, Registrar-Recorder of the County of Los Angeles,
Respondent.

RESPONSE TO PETITION FOR WRIT OF CERTIORARI

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WESTERN PRINTING COMPANY, WHITTIER—OXBOW 9-1782

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James S. Allison, Registrar-Recorder of the County of Los Angeles, respondent, on the merits will seek to sustain the decision of the Supreme Court of California in this case but, nevertheless, urges that the writ of certiorari be granted so that this case may be considered in conjuction with the appeal in ***Edmund G. Brown, Jr. v. Raymond G. Chote,*** docketed in this Court on June 5, 1972, as No. 71-1583, which is an appeal from the so-far unreported case of ***Chote v. Brown*** (March 9, 1972) No. 72380, a three-judge dis-

trict court in the Northen District of California, relied upon by the peititioner at pages 5 and 7 of his petition in the case at bench, and the appeal in *Norvell v. Apodaca,* filed in this Court May 18, 1972, Docket No. 71-1511, an appeal from the decision of the Supreme Court of New Mexico in *State ex rel. Apodaca v. Fiorina et al.,* (N.M. April 18, 1972) 495 P.2d 1379.

The questions of law in all three cases are substantially identical, the validity of the requirement of a filing fee by a candidate to have his name placed on the ballot.

The case at bench attacks the provisions of Section 6554 of the Elections Code of the State of California insofar as it requires a filing fee of a candidate for supervisor of the County of Los Angeles.

Brown v. Chote, supra involves the validity of Section 6552 of the same Elections Code which specifies the filing fee to be paid by candidates for United State Senator, Representative in Congress, or for any state office.

Norvell v. Apodaca, supra involves the validity of New Mexico statute, §3-8-26, subd. A, N.M.S.A., 1953 (Rpl. Vol. 1, 1970) imposing a filing fee of six per cent of the first year's salary to place the name of a candidate on the ballot. (The Supreme Court of New Mexico upheld the requirement.)

It is respectfully submitted that there is no material distinction between the questions of law in the three

cases (except that the percentage is much higher in New Mexico than in California) and that it would be most appropriate that they be considered together.

JOHN D. MAHARG,
County Counsel of the County of Los Angeles, State of California, and

EDWARD H. GAYLORD,
Division Chief
Attorneys for Respondent.